

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Gannon Enterprises, ) No. CV 04-1313-PHX-ECV  
Plaintiff, ) **ORDER**  
vs. )  
Alcohol Sensors International, et al., )  
Defendants. )

Pending before the court is a Motion for Partial Summary Judgment (Doc. #40) filed by Defendants Michael E. Recca and Christine A. Hudson back on February 17, 2006. During a settlement conference on March 3, 2006, all parties reached a settlement agreement. Upon completion of the terms of the settlement agreement, the parties will stipulate to a dismissal. Because the case has settled, the pending motion for summary judgment will be denied without prejudice. In the event that the settlement is not completed and the case is not dismissed, the defendants may re-submit the summary judgment motion.

**IT IS THEREFORE ORDERED:**

That the Motion for Partial Summary Judgment (Doc. #40) is **denied without prejudice.**

DATED this 27<sup>th</sup> day of September, 2006.

  
Edward C. Voss  
United States Magistrate Judge